

Town of Wenham Conservation Commission
Meeting of Monday September 10, 2007 ~ 7:30 pm
Senior Center, School Street

Present: Patrick Wilson, Chair; Leo Maestranzi; Phil Colarusso; Robert Burnett; Malcolm Reid; Ken Whittaker
Also Present: Emilie Cademartori; Catherine Tinsley, Secretary

Public information available: Agenda

Abbreviations used:

CC – Conservation Commission

NOI - Notice of Intent

RDA- Request for Determination of Applicability

ANRAD – Abbreviated Notice of Resource Area Delineation

Mr. Wilson opened the meeting at 7:30 pm and identified the agenda, noting it would be taken out of order.

ADMINISTRATIVE BUSINESS

Minutes – August 13, 2007

Mr. Maestranzi made a motion to accept the meeting minutes of August 13, 2007. Mr. Burnett seconded.

Voting in favor: Leo Maestranzi; Phil Colarusso; Robert Burnett; Malcolm Reid

Opposed: None

Abstention: Patrick Wilson; & Ken Whittaker who were not present at the August 13, 2007 meeting.

MOTION CARRIED

Finances

The Agent requested capital budget information. One bill was approved and signed. It was decided that the Essex County Greenbelt membership should not be renewed, as it was inappropriate for a municipal entity to hold a membership.

NOI Horse Hill Lane – Ms. Cademartori stated that the Attorney for Horse Hill Lane requested a continuation, saying they are waiting for the Planning Board's decision.

Mr. Whittaker made a motion to continue the hearing. Mr. Maestranzi seconded.

Voting in favor: Patrick Wilson; Leo Maestranzi; Phil Colarusso; Robert Burnett; Malcolm Reid; Ken Whittaker

Opposed: None

MOTION CARRIED

DISCUSSION ITEMS

2 Onion River Road – Rich Kirby

Mr. Kirby reviewed with the Commissioners that a memo was filed July 20th to amend the original agreement between the CC and his client, Daniel Chansky.

He identified that the requested change is to modify the plan by moving the boulders back about 5 feet into the 30 foot no disturb zone in order for the fence to run linear with the property line. He said that any back filling will be done in accordance to the CC and that there will be no significant removal of vegetation. The wall will meet the existing grade and there will be no boulders for about 15 feet.

Mr. Kirby provided photographs and a plot plan to use as reference.

Mr. Wilson suggested that the plan be revised to avoid encroaching on the 30 foot zone, noting that the original plan was made with great detail and litigation and further amendments are not supported.

The Chair asked the Commissioners for comments and it was the consensus of the CC to not support this request.

Mr. Burnett made a motion to grant Mr. Chansky's request to amend the original plans and move the wall. Mr. Colarusso seconded.
Voting in favor: None
Opposed: Patrick Wilson, Chair; Leo Maestranzi; Phil Colarusso; Robert Burnett; Malcolm Reid; Ken Whittaker
MOTION DENIED.

ANRAD – Abbreviated Notice of Resource Area Delineation (DEP file #326-0302)

Arbor Street ROSC Subdivision

Applicant Peter Gourdeau, 75 Arbor Street, LLC

Phil Colarusso; recused himself as an abutter.

Abutters present:

Polly Beyer

David Suminsby

Phil Colarusso

Mr. Wilson identified that the site was delineated and some of the Commissioners have walked the site. He went on to say that characteristics of a vernal pool have been identified and noted that the Commissioners have concerns that this is a vernal pool.

At the request of the CC, Mr. Gourdeau had an analysis of the pool completed. A letter from Patrick Seekamp was submitted regarding the analysis. It was noted that this report was based on the site visit.

Discussion followed if a second analysis should be done and it determined that it is the responsibility of the CC to have the site assessed.

Ms. Cademartori informed the Commissioners that there are new "conflict of interest" guidelines that need to be taken into consideration before contracting for a peer review.

The abutters were asked for comments.

A letter submitted by Ms. Beyer was acknowledged and these comments will be shared with the consultant. Ms. Beyer added that there have been times during past years when they have more than 2 feet of water in their back yard (24 Juniper Street) and noted concern about run off from the proposed development and that potential additional work that could be done after by the homeowners, will exacerbate the issue.

The Commissioners talked about the vernal pool buffer zone as 200 feet vs. the 100 feet jurisdiction with a 50 foot no build zone.

It was noted that two different buffer zones can co-exist.

Mr. Maestranzi made a motion to continue hearing and to seek an independent review of the vernal pool as defined under the town of Wenham bylaw. Mr. Whittaker seconded.

Voting in favor: Patrick Wilson; Leo Maestranzi; Phil Colarusso; Robert Burnett; Malcolm Reid; Ken Whittaker

Opposed: None

MOTION CARRIED

Mr. Gourdeau requested that the ANRAD be approved adding that he supports the second study of the vernal pools.

Discussion followed; the CC identified several concerns of approving the ANRAD and took no action, noting there is no compelling reason to do so.

The applicant agreed to a continuance for the CC to seek additional information.

Enforcement Orders / Violations

15 Juniper St – Diane Pizzo; Placement of fill in unpermitted paddock

Mr. Colarusso, representing the CC, did a site visit in a response to a complaint of trucks of fill being brought on site. He reported that the fill was left in the paddock area.

Ms Cademartori told the Commissioners that she did a follow up and identified this parcel of land as being in the water supply area.

The CC authorized the Agent to issue a letter to Ms Pizzo identifying the violations including that manure can not be kept on site, the proper permits were not obtained for the paddock, and there is a history of being notified several times of violations. The letter will indicate that fines are possible.

NOI 363 Grapevine Road – Continuance

Ms. Cademartori updated the CC on 363 Grapevine Road, saying that Engineer for the applicant passed away, therefore there will be no presentation at this time.

Mr. Maestranzi made a motion to continue the hearing. Mr. Burnett seconded.

Voting in favor: Patrick Wilson; Leo Maestranzi; Phil Colarusso; Robert Burnett; Malcolm Reid; Ken Whittaker

Opposed: None

MOTION CARRIED

Enforcement Officer

As directed by Commissioners, the Agent stated that she has requested that a Conservation Commission Enforcement Police Officer be appointed.

8:27PM – Malcolm Reid left the meeting.

RDA 115 Pleasant Street – Continued by default; the applicant was not present.

It was noted that the applicant was requested to submit additional information regarding the plans.

Mr. Maestranzi made a motion to continue the hearing of 115 Pleasant Street. Mr. Whittaker seconded.

Voting in favor: Patrick Wilson; Leo Maestranzi; Phil Colarusso; Robert Burnett; Ken Whittaker

Opposed: None

MOTION CARRIED

Mr. Wilson announced various meetings of interest to the Commission.

8:32 PM – Mr. Maestranzi made a motion to adjourn and it was unanimous to do so.